

REMARKS

1. Amendments to the Claims

Claims 1-5, 7-20, 22-26 and 28-42 are pending. Claims 1-5, 7-20, 22-26, and 28-42 are rejected. Claims 6, 26, and 27 are objected to.

Claims 6 and 27 are herein cancelled.

Claims 1, 19 and 20 have been amended to incorporate claim 6.

Claims 22 and 42 have been amended to incorporate claim 27.

Claims 3 and 24 have been amended to recite that the membrane “has a hydrophilic group.” Support for this amendment is found in the Specification at page 19, lines 28-30.

Claim 18 has been amended to delete “a pump.”

Claims 19, 20, and 41 have been amended to delete “a weak interaction.”

Claim 28 has been amended to recite “the mixture of nucleic acid containing RNA and DNA.” Support for this amendment is found in claim 22 as originally filed.

No new matter is added by way of these amendments.

2. Rejection Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejects claims 2-5, 18-20, 28-33, and 42 under 35 U.S.C. § 112, second paragraph as being indefinite.

Claims 3 and 24

The Examiner states that the language “adsorbed by a weak interaction involving substantially no ionic bonds” is indefinite because it is a relative term. Applicants have amended claims 3 and 24 to recite that the membrane has “a hydrophilic group.” As there is no relative

measurement, Applicants submit that the rejection is overcome. Applicants request that the rejection be withdrawn.

Claim 18

The Examiner states that claim 18 is indefinite because the term “a pressure difference-generating apparatus” lacks antecedent basis. Though Applicants disagree, Applicants have amended claim 18, thereby obviating the rejection. Applicants request that the Examiner withdraw the rejection.

Claims 19, 20, and 42

The Examiner rejects claims 19, 20, and 42, stating that the phrase “a weak interaction” is indefinite because it is relative. Applicants have amended the claim to delete this term, thereby obviating the rejection. Applicants request that the rejection be withdrawn.

Claim 28

The Examiner rejects claim 28 stating that the term “the sample solution” lacks proper antecedent basis in claim 22. Applicants have amended the claim, thereby obviating the rejection. Applicants request that the rejection be withdrawn.

3. *Rejections Under 35 U.S.C. § 102(b)*

The Examiner rejects claims 1, 2, 7-18, 22-23, and 28-41 as anticipated by Ekenberg (U.S. Patent 6,218,531).

Applicants have incorporated 6 into claim 1 and claim 27 into claim 22. As neither claim 6 nor claim 27 are included in the anticipation rejection, Applicants submit that this amendment

overcomes the rejection. Accordingly, Applicants request that the anticipation rejection be withdrawn.

4. Rejections Under 35 U.S.C. § 103

The Examiner rejects claims 3-4 and 24-25 under 35 U.S.C. § 103 as being unpatentable over Ekenberg (U.S. Patent 6,218,531) in view of Mori et al. (U.S. Patent Publication 2003/0170664). The Examiner also rejects claims 19 and 42 under 35 U.S.C. § 103 as being unpatentable over Ekenberg (U.S. Patent 6,218,531) in view of Strategene Catalog [p. 39 1988] and Mori et al. (U.S. Patent Publication 2003/0170664).

Applicants note that the Examiner has not rejected claims 6 and 27. Accordingly, Applicants have incorporated 6 into claims 1, 19 and 20 and claim 27 into claim 22 and 42. As neither claim 6 nor claim 27 are included in the obviousness rejections, Applicants submit that this amendment overcomes the rejection. Accordingly, Applicants request that the obviousness rejections be withdrawn.

5. Rejections Under 35 U.S.C. § 102/103

The Examiner rejects claim 20 under 35 U.S.C. § 102(e) as anticipated by, or in the alternative, under 35 U.S.C. §103 as obvious over Mori et al. (U.S. Patent Publication 2003/0170664). Applicants have incorporated 6 into claim 20. As claim 6 is not included in the anticipation/obviousness rejection, Applicants submit that this amendment overcomes the rejection. Accordingly, Applicants request that the anticipation/obviousness rejection be withdrawn.

CONCLUSION

Applicants respectfully request the withdrawal of all rejections and the allowance of all claims.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mary M.H. Eliason, Registration Number 58,303, at (858) 792-8855, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: July 2, 2009

Respectfully submitted,

By 

Marc S. Weiner
Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant